

Order

**Michigan Supreme Court
Lansing, Michigan**

October 27, 2010

Marilyn Kelly,
Chief Justice

140735 & (94)
140738

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

AUTO-OWNERS INSURANCE COMPANY,
Plaintiff/
Counter-Defendant/Appellee,

v

SC: 140735
COA: 277574
Mason CC: 05-000436-CZ

FERWERDA ENTERPRISES, INC., d/b/a
HOLIDAY INN EXPRESS LUDINGTON,
Defendant/
Counter-Plaintiff/Appellant,

and

DARYL BRONKEMA, Next Friend of
JACKSON THOMAS BRONKEMA,
CALEB ANDREW BRONKEMA and
SAVANNAH JOY BRONKEMA, and
DARYL BRONKEMA, Individually,
and MELISSA BRONKEMA,
Defendants.

AUTO-OWNERS INSURANCE COMPANY,
Plaintiff/
Counter-Defendant/Appellee,

v

SC: 140738
COA: 277574
Mason CC: 05-000436-CZ

FERWERDA ENTERPRISES, INC., d/b/a
HOLIDAY INN EXPRESS LUDINGTON,
Defendant/
Counter-Plaintiff/Appellee,

and

DARYL BRONKEMA, Next Friend of
JACKSON THOMAS BRONKEMA,

CALEB ANDREW BRONKEMA and
SAVANNAH JOY BRONKEMA, and
DARYL BRONKEMA, Individually, and
MELISSA BRONKEMA,
Defendants-Appellants.

By order of July 15, 2010, the Mason Circuit Court was directed to file its clarification of the record on the issue of whether the trial court found that Auto-Owners' claim was frivolous within the meaning of MCR 2.625(A)(2) and MCL 600.2591(3)(a)(i) through (iii). On order of the Court, the Court having reviewed the findings of the Mason Circuit Court, which found, under MCL 600.2591(3)(a)(ii) and (iii), that the plaintiff's arguments were inappropriate and devoid of arguable legal merit, the applications for leave to appeal the January 28, 2010 judgment of the Court of Appeals are again considered. Pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals addressing attorney fees, and we REINSTATE the trial court's attorney fee award.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 27, 2010

Clerk